

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CONNECTICUT YANKEE ATOMIC
POWER CO.,

Plaintiffs,

v.

UNITED STATES,

Defendant.

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No. 17-673C
(Senior Judge Firestone)

DEFENDANT’S MOTION TO STAY PROCEEDINGS IN LIGHT OF LAPSE IN
APPROPRIATIONS

The United States of America hereby moves for a stay of proceedings in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the federal Department of Energy. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the Department of Energy are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Counsel for the Department of Justice therefore requests a stay of these proceedings until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the

lapse in appropriations.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of proceedings in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

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s/ Lisa L. Donahue
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